

CL-19-4967-E

CAUSE NO. _____

JOSEFINA BALBOA, INDIVIDUALLY AND	§	IN THE COUNTY COURT
AS NEXT FRIEND OF M.B., M.B., MINORS,	§	
AND RICARDO BALBOA II, INDIVIDUALLY,	§	
<i>Plaintiffs</i>	§	
	§	
VS.	§	AT LAW NO. ____
	§	
STATE FARM MUTUAL AUTOMOBILE	§	
INSURANCE COMPANY,	§	HIDALGO COUNTY, TEXAS
<i>Defendant</i>		

**PLAINTIFFS' ORIGINAL PETITION WITH REQUEST FOR
DISCLOSURE AND OTHER DISCOVERY REQUESTS**

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW Josefin Balboa, Individually and as Next Friend of M.B and M.B, Minors and Ricardo Balboa II, Individually, hereinafter referred to by name or as, "Plaintiff", complaining of State Farm Mutual Automobile Insurance Company, hereinafter sometimes referred to by name or as, "Defendant", and for their cause of action would respectfully show unto the Court and Jury the following:

I.

Discovery Control Level

This case will be governed by Discovery Control Level 2.

II.

Parties

Plaintiffs are residents of Hidalgo County, Texas.

Defendant, State Farm Mutual Automobile Insurance Company, is a foreign insurance company duly licensed and authorized to engage in the insurance business in the State of Texas and engaged in the insurance business in the State of Texas. Service of citation on this Defendant may be had by serving its registered agent for service of process to wit: Corporation Service Company, 211 E. 7th Street, Suite 620, Austin, Texas 78701 or wherever found. Citation is necessary.

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Venue**

Venue of the above-styled cause is proper in Hidalgo County pursuant to the provisions of §15.001 and §15.002, of the TEX. CIV. PREAC. & REM. CODE, in that the event giving rise to the claim occurred in Hidalgo County, Texas.

**IV.
Factual Allegations**

Plaintiffs, **Josefina Balboa, Individually and as Next Friend of M.B and M.B, Minors and Ricardo Balboa II, Individually**, sustained the bodily injuries hereinafter described as a direct and proximate result of the negligence of the uninsured driver as more particularly alleged below. At the time of the collision with the uninsured driver, **Ramiro Zamora**, Plaintiffs were protected against loss caused by bodily injury and property damage and resulting from the ownership, maintenance or use of an uninsured motor vehicle by a policy of insurance issued by the Defendant, **State Farm Mutual Automobile Insurance Company**.

The collision made the basis of this cause of action occurred in Hidalgo County, Texas. Plaintiff's, **Josefina Balboa, Individually and as Next Friend of M.B and M.B, Minors and Ricardo Balboa II, Individually**, are residents of Hidalgo County, Texas at the time of the collision made the basis of this cause of action occurred. Therefore, venue is proper in Hidalgo County, Texas on the basis of Section 15.002 of the Texas Civil Practice and Remedies Code.

Furthermore, venue is proper in Hidalgo County, Texas on the basis of Section 15.016 of the Civil Practice and Remedies Code and Section 1952.110 of the Insurance Code. Section 15016 states that an action governed by any other statute prescribing mandatory venue should be brought in the county required by that other statute. Section 1952.110 of the Insurance Code states that an action against an insurer in relation to Uninsured Motorist coverage may be brought only in the county in which the policy holder or beneficiary instituting the suit resided at the time of the

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collision or in the county in which the collision involving the Uninsured motor vehicle occurred. Plaintiffs are residents of Hidalgo County, Texas at the time the collision made the basis of this lawsuit occurred. This collision also occurred in Hidalgo County, Texas. Therefore, under Section 1952.110, venue is proper in Hidalgo County, Texas. The amount in controversy exceeds the minimum jurisdictional limits of this Court; therefore, this Court has jurisdiction.

**V.
Factual Allegations**

On or about September 22, 2017, Plaintiff, **Josefina Balboa** was the driver and Plaintiffs, **M.B, M.B. and Ricardo Balboa, II** were the passengers of a 2014 Chevrolet Silverado C1500 pickup truck that was stationary at a traffic light, facing southbound, on FM 88, Weslaco, Hidalgo County, Texas. At approximately the same time, the uninsured driver, **Ramiro Zamora**, was operating a 2003 Dodge Neon that was traveling southbound on FM 88, Weslaco, Hidalgo County, Texas. As the Plaintiff, **Josefina Balboa**, was stationary at a traffic light, suddenly and without warning, the uninsured driver failed to control speed and struck Plaintiffs' vehicle from behind, thus, causing the collision made the basis of this lawsuit.

**VI.
Causes of Action**

The incident in question and some of the resulting damages as set forth below were caused by the negligence of the uninsured driver, **Ramiro Zamora**, whereby he was negligent in the following respects:

- a. In failing to keep such proper lookout as an ordinary person of ordinary prudence would have kept under the same or similar circumstances;
- b. In failing to take proper evasive action in an attempt to avoid the collision in question such as a person of ordinary care would have done under the same or similar circumstances;
- c. In failing to steer his vehicle like that which an ordinarily prudent person would have driven under the same or similar circumstances;
- d. In driver inattention;

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- e. In failing to take proper evasive action as a person of ordinary prudence would have taken under the same or similar circumstances in order to avoid the incident;
- f. In failing to make such turning movements of the vehicle in question as would have been made by a person exercising ordinary care and prudence under the same or similar circumstances;
- g. In failing to apply brakes timely and properly; and
- h. In failing to keep an adequate and reasonable following distance.

The above-described incident and resulting damages as set forth below were caused by the acts and omissions of the uninsured driver, **Ramiro Zamora**.

Each of the aforementioned negligent acts or omissions of this Defendant constitutes negligence and negligence *per se* and was the proximate cause of the collision and of the resulting damages and injuries to Plaintiffs.

Further said negligent acts institute negligence *per se*.

Additionally, the uninsured driver, **Ramiro Zamora's** unexcused breach of the duty imposed by Texas Transportation Code sec. §545.062(a) Following Distance; and sec. §545.351(a)(2) Maximum Speed Requirement; §545.401(a)(c)(2) Reckless Driving, proximately caused the Plaintiffs injuries described herein.

VII.
Damages

As a direct and proximate result of the negligence of the uninsured driver, **Ramiro Zamora**, Plaintiffs', **Josefina Balboa, M.B and M.B, Ricardo Balboa II**, sustained the following damages in the past:

- a. Pain and suffering;
- b. Mental anguish;
- c. Reasonable and necessary medical expenses;
- d. Pre-judgment interest at the maximum rate allowed by law in accordance with Tex. Rev. Civ. Stat. Ann., Art. 5069-1.05, Sec. 6(a);

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- e. Loss of earning capacity;
- f. Physical impairment; and
- g. Property damage.

Plaintiff's will, in reasonable probability, sustain the following damages in the future:

- a. Pain and suffering;
- b. Mental anguish;
- c. Reasonable and necessary medical expenses;
- d. Loss of earning capacity; and
- e. Physical impairment.

Plaintiff are requesting the limits allowed by law of this Court as damages to satisfy the causes of action herewith contained. Pursuant to Rule 47, Plaintiffs are requesting monetary relief over \$200,000, but not more than \$1,000,000.

VIII.

Pursuant to Rule 194, the Defendant named herein is requested to disclose, within fifty (50) days of service of this request, the information or material described in Rule 194.2(a)-(1).

IX.

Attached to this Original Petition you will find the following:

1. Plaintiff, Josefina Balboa's, Individually, First Set of Interrogatories to the Defendant, State Farm Mutual Automobile Insurance Company;
2. Plaintiff, Josefina Balboa's, Individually, Request for Production to the Defendant, State Farm Mutual Automobile Insurance Company; and
3. Plaintiff, Josefina Balboa's, Individually Request for Admissions to the Defendant, State Farm Mutual Automobile Insurance Company.

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The motor vehicle driven by the adverse uninsured driver, **Ramiro Zamora**, and causing Plaintiffs' damages as described above, was at all times material to this action an "uninsured motor vehicle" as that term is defined in the policy of insurance issued by Defendant, **State Farm Mutual Automobile Insurance Company**. Plaintiffs, **Josefina Balboa, M.B, M.B. and Ricardo Balboa II**, have fully complied with all terms of the insurance policy issued to the Plaintiff, **Josefina Balboa**, as a condition precedent to bringing this suit. Nevertheless, Defendant, **State Farm Mutual Automobile Insurance Company**, still fails and refuses to adequately compensate Plaintiffs for their damages as Defendant, **State Farm Mutual Automobile Insurance Company**, is contractually required to do.

XI.**RULE 193.7 NOTICE**

Pursuant to Rule 193.7 of the Texas Rules of Civil Procedure, Plaintiffs hereby give actual notice to the Defendant that Plaintiffs intends to use as evidence all documents that have been produced or will be produced by any and all parties. Plaintiffs ask the court to consider this formal notice that all documents, including photographic material and videographic material, produced by all parties and non-parties in response to written discovery, supplemental discovery, amended discovery, and any and all depositions. This will include but not limited to, the reports and records of the Plaintiffs healthcare providers that were produced or will be produced on behalf of Plaintiffs in response to a request for production, and any other discovery may be used at pre-trial and trial.

XII.**PRESERVE EVIDENCE**

Plaintiffs request and demand that Defendant preserve and maintain all evidence pertaining to any claim or defense related to the incident made the basis of this lawsuit or the damages resulting therefrom, including statements, photographs, videotapes, audiotapes,

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surveillance or security tapes or information, business or medical record, incident reports, tenant files, periodic reports, financial statements, bills, telephone call slips or records, estimates, invoices, checks, measurements, correspondence, facsimiles, email, voice mail, text messages, and any electronic image or information related to the referenced incident or damages. Failure to maintain such items will constitute “spoliation” of the evidence.

XIII.

Plaintiffs also seek post-judgment interest at the maximum rate allowed by law.

IX.

Plaintiffs hereby demand a Jury Trial.

WHEREFORE, PREMISES CONSIDERED, Plaintiffs, **Josefina Balboa, Individually and as Next Friend of M.B and M.B, Minors and Ricardo Balboa II, Individually**, pray that the Defendant, **State Farm Mutual Automobile Insurance Company**, be cited to appear and answer herein, and that, upon final trial hereof, Plaintiffs recover their damages as specified hereinabove, together with costs of suit, pre-judgment interest, post-judgment interest, exemplary damages, and for such other and further relief, both general and special, at law or in equity, to which Plaintiffs may show themselves justly entitled to receive, jointly and severally, from and against the Defendant.

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Respectfully submitted,

LAW OFFICE OF BOBBY GARCIA, P.C.

P.O. Box 5729

McAllen, Texas 78502

Telephone: (956) 668-7400

Facsimile: (956) 668-7500

E-Service email: tgarcia@bobbygarcia.com

A handwritten signature in dark ink, appearing to be 'Bobby Garcia', written over a horizontal line.

BOBBY GARCIA

Texas SBN: 07645210

New York SBN: 5387485

ATTORNEY FOR PLAINTIFFS

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CAUSE NO. _____

JOSEFINA BALBOA, INDIVIDUALLY AND	§	IN THE COUNTY COURT
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<i>Plaintiffs</i>	§	
	§	
VS.	§	AT LAW NO. ____
	§	
STATE FARM MUTUAL AUTOMOBILE	§	
INSURANCE COMPANY,	§	HIDALGO COUNTY, TEXAS
<i>Defendant</i>		

PLAINTIFF JOSEFINA BALBOA, INDIVIDUALLY, FIRST SET OF
INTERROGATORIES TO THE DEFENDANT STATE FARM
MUTUAL INSURANCE COMPANY

TO: Defendant, **State Farm Mutual Automobile Insurance Company**, c/o Corporation Service Company, 211 E. 7th Street, Suite 620, Austin, Texas 78701.

A. INSTRUCTIONS

Please take notice that Plaintiff, **JOSEFINA BALBOA**, pursuant to Rule 197 of the Texas Rules of Civil Procedure, propounds the attached interrogatories to be answered by Defendant, State Farm Mutual Automobile Insurance Company. You must answer these Interrogatories fully, separately, in writing, and under oath, within fifty (50) days after service of this Notice. Your answers to these Interrogatories may be offered into evidence at the trial of this matter. You are also under a duty to supplement your answers to these Interrogatories in accordance with the Texas Rules of Civil Procedure.

B. DEFINITIONS

1. "Documents": As used herein, the terms "documents" or "documents" shall include any written, typed, printed, recorded, graphic or photographic matter or sound reproduction however produced or reproduced, shall include every copy where such copy contains any commentary, marginal, or notations whatsoever that do not appear in the original, and shall mean any written, typed, printed, recorded, graphic or photographic matter or sound reproduction however produced or

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reproduced, including without limitation, all correspondence, agreements, contracts, summaries and/or transcripts of communications, written communications, telegrams, memoranda, handwritten notes, summaries of personal conversations and/or interviews, audio or video tape recordings, diaries, calendars, all filings with any governmental body, documents demonstrating any application for insurance, documents demonstrating authority or lack thereof, personnel files, policy files, checks, claims, invoices, income tax returns and shall include every copy where such copy is not an identical reproduction of the original or where such copy contains any commentary, marginal comment or notation whatsoever that does not appear in the original.

Further, the terms "document" or "documents" shall include any document considered privileged by you, which document shall be identified by type of document, general subject matter, author, its present location and custodian, date and grounds alleged as authority for the claim of privilege in order to assist Plaintiff and the Court in determining whether or not the claim of privilege to such document is proper.

2. "Identify" or Identification":

- (a) When used in reference to a person, "identify" or "identification" means to state his/her full name, business and home phone number, and present or last known home address, as well as employer and business address;
- (b) When used in reference to a public or private corporation, governmental entity, "identify" or "identification" means to state its full name, present or last known business or operating address, the name of its chief executive officer, and the name and position of any individual connected with such entity or organization who has knowledge of the information requested or who has been a party to any communication involving the subject matter of this lawsuit or arbitration;

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- (c) When used with respect to a document, "identify" or "identification" means to state its date, author, subject or substance, all recipients thereof, the type of documents, its present location, and the identify of each of its present custodians. In lieu of identification of a document, you may attach a copy of such document to its answer;
 - (d) When used with respect to an event, "identify" or "identification" means to include:
 - (1) A detailed description of the event or allegation at issue;
 - (2) The date or dates on which such event occurred, or, if the date or dates are not known, then the time period involved in the events giving rise or relating to the allegations;
 - (3) The name, address, phone numbers and affiliation of all persons involved in the event or allegations; and
 - (4) The date, author, addressee or recipient and any type of document or any document relating to or concerning such event or allegation.
 - (e) When used in reference to an expert, "identify" or "identification" means to state that expert's full name, phone number, and present or last known address, employer and business address, educational history, employment history, academic or professional honors or awards, degrees, achievements, treatises, articles, papers, journals, or similar subject matter prepared, authored (or co-authored) by such expert, whether published or no, and/or other matters of distinction. In lieu of the above, you may provide a current resume or curriculum vitae that substantially provides the requested information.
3. "Person" means any natural person, governmental agency, corporate entity, proprietorship, partnership, corporation, and/or any other form of organization or association.

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4. "Communication" means any document, oral statement, meeting or conference, formal or informal, at any time or place, and under any circumstance whatsoever, whereby information of any kind was transmitted in any manner whatsoever.

Respectfully submitted,

LAW OFFICE OF BOBBY GARCIA, P.C.

P.O. Box 5729

McAllen, Texas 78502

Telephone: (956) 668-7400

Facsimile: (956) 668-7500

E-Service email: tgarcia@bobbygarcia.com



BOBBY GARCIA

Texas SBN: 07645210

New York SBN: 5387485

ATTORNEY FOR PLAINTIFF

CERTIFICATE OF SERVICE

I hereby certify that on the date the Plaintiffs' Original Petition was filed, a true and correct copy of the foregoing Interrogatories were forwarded to Defendant together with Plaintiffs' Original Petition. Please see the return of service of process for dates of service of these Interrogatories on the above-referenced Defendant.



BOBBY GARCIA

CL-19-4967-E**INTERROGATORIES****INTERROGATORY NO. 1:**

Please state whether there is any reservation of rights letter and/or “non-waiver” agreement under which this action is being defended. If so, please describe in detail the nature of the document(s) and its (their) contents.

ANSWER:**INTERROGATORY NO. 2:**

Please describe in your own words how the collision in question occurred and state what the claim or contention of the Defendant will be regarding any cause or contributing cause of the collision, including a statement, of the facts or information upon which this contention is based.

ANSWER:**INTERROGATORY NO. 3:**

Please state the name, address and telephone number of each and every person, other than experts, who has knowledge of relevant facts concerning this cause of action.

ANSWER:**INTERROGATORY NO. 4:**

In reference to Interrogatory No. 3, please give a brief description of the facts known by each person specified above regarding this cause of action.

ANSWER:**INTERROGATORY NO. 5:**

Please state the name, address, telephone number and area of expertise of each expert Defendant intends to call to testify at trial on behalf of the Defendant.

ANSWER:**INTERROGATORY NO. 6:**

Please state the name, address, and telephone number of each and every expert with whom the Defendant has consulted who will not testify in this cause, but whose work product, opinions or mental impressions form the basis, or part of the basis, of any opinion of any expert who will be called to testify at the trial of this cause.

ANSWER:**INTERROGATORY NO. 7:**

With respect to Interrogatory No. 5 and 6, please identify said experts, including their name, address and telephone number as well as the subject matter on which the expert is expected to testify, the mental impressions and opinions held by the expert and the facts known to the expert, (regardless of when the factual information was acquired), which relate to or form the basis of the mental impressions and opinions held by the expert.

CL-19-4967-E**ANSWER:****INTERROGATORY NO. 8:**

Please state whether or not the Defendant has a copy of any statement which Plaintiff has previously made concerning this action or its subject matter which is in the Defendant's possession, custody or control.

For the purposes of this Interrogatory, a statement previously made is (1) a written statement signed or otherwise adopted or approved by the person making it, or (2) a stenographic, mechanical, electrical, or other recording, or a transcription thereof, which is a substantially verbatim recital or an oral statement by the person making it and contemporaneously recorded.

ANSWER:**INTERROGATORY NO. 9:**

Please state the name, address and telephone number of the person answering these Interrogatories and whether you are authorized to answer them on behalf of the Defendant.

ANSWER:**INTERROGATORY NO. 10:**

Please state the facts on which you base any contention that the Plaintiffs is contributory or comparatively negligent regarding the collision of September 22, 2017 made the basis of this cause of action.

ANSWER:**INTERROGATORY NO. 11:**

Please identify by name, address and phone number each person who;

- a. Acted as a claims adjuster on the file of the Plaintiffs; and
- b. Each claims supervisor or other employee of Defendant, State Farm Mutual Automobile Insurance Company, who was consulted concerning or worked on the claim of the Plaintiffs.

ANSWER:**INTERROGATORY NO. 12:**

Please state the date upon which you received the Notice of Claim from the Plaintiffs.

ANSWER:**INTERROGATORY NO. 13:**

Please provide a list stating name, address and telephone number of all witnesses you will call at the trial of this cause.

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ANSWER:

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THE STATE OF TEXAS §
 § AFFIDAVIT
COUNTY OF _____ §

BEFORE ME, the undersigned Notary Public in and for the State of Texas, on this day personally appeared _____, known to me to be the person whose name is subscribed hereto, who being first duly sworn in the manner provided by law, on oath stated as follows:

1. My name is _____. I am over the age of eighteen (18) years, have personal knowledge of, and am competent to testify to the facts set forth herein.
2. I have read the above interrogatories the answers are true and correct to the best of my knowledge.

SWORN TO AND SUBSCRIBED before me, the undersigned authority, by the said _____ on the _____ day of _____, 2019, to certify which witness my hand and seal of office.

Notary Public in and for the State of Texas

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CAUSE NO. _____

JOSEFINA BALBOA, INDIVIDUALLY AND	§	IN THE COUNTY COURT
AS NEXT FRIEND OF M.B., M.B., MINORS,	§	
AND RICARDO BALBOA II, INDIVIDUALLY,	§	
<i>Plaintiffs</i>	§	
	§	
VS.	§	AT LAW NO. ____
	§	
STATE FARM MUTUAL AUTOMOBILE	§	
INSURANCE COMPANY,	§	HIDALGO COUNTY, TEXAS
<i>Defendant</i>		

**PLAINTIFF JOSEFINA BALBOA'S, INDIVIDUALLY, FIRST SET OF
REQUEST FOR PRODUCTION TO DEFENDANT, STATE FARM
MUTUAL AUTOMOBILE INSURANCE COMPANY**

To: Defendant, State Farm Mutual Automobile Insurance Company, c/o Corporation Service Company, 211E. 7th Street, Suite 620., Austin, Texas 78701.

COMES NOW Plaintiff, **JOSEFINA BALBOA**, in the above-styled and numbered cause and files these Requests pursuant to Rule 196 of the Texas Rules of Civil Procedure, and Plaintiffs require that Responses to the same be filed no later than fifty (50) days after the date of service hereof.

Plaintiff designates the manner of discovery to be by Defendant providing Plaintiffs' attorney with a photocopy or duplicate of each of the designated documents, records, or tangible things in Defendant's possession, custody, or control, or by making the designated items available for inspection, sampling, testing, photographing and/or copying at the office of Plaintiffs' attorney. If the requested documents, records, or tangible things cannot readily be copied, produced, and delivered to Plaintiffs' attorneys, or made available for inspection, sampling, testing, photographing, and/or copying at the office of Plaintiffs' attorney, Plaintiff is agreeable to conducting discovery in the office of Defendant's counsel or Defendant's premises or obtaining delivery there from. Plaintiff will return Defendant's photographs, movies, videotapes, and tangible unduplicated items to Defendant as requested by Defendant.

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Plaintiffs designate fifty (50) days after the date of service of these Requests for Discovery and Production as the date to obtain custody of such items. Pursuant to Rule 196, Texas Rules of Civil Procedure, these Requests for Production and Discovery are continuing in nature and require supplementation as soon as is practical, but in no event less than thirty (30) days prior to the beginning of trial, and specifically include supplementation regarding expert witnesses, and expert witnesses' reports, physical models, compilations of data, photographs or videos, and other materials that have been prepared by, relied upon, reviewed by, or used by an expert.

DEFINITIONS AND INSTRUCTIONS

A. As used herein, the term "you", "your", or "Defendant" shall mean **State Farm Mutual Automobile Insurance Company** as well as your attorneys, agents, employees, and all other natural persons or business or legal entities acting, or purporting to act, for or on your behalf whether authorized to do so or not.

B. When used herein "Plaintiff" means **Plaintiff named in this cause of action.**

C. When used herein "incident" or "occurrence" or mean the incident, which occurred on September 22, 2017, as described in Plaintiffs' Original Petition.

D. The term "document" or "documents" shall mean all writings, correspondence records, papers, books, treatises, publications, accounts, drawings, graphs, graphics, charts, movies, photographs, written or electronically recorded or compiled notes, test results, or memoranda, audio tape recordings, and video tape recordings of every kind, source, and authorship, both originals and all non-identical copies thereof, together with all attachments and appendices, which are in your possession, custody, or control, or known by you to exist, irrespective of whether such was intended for or transmitted internally by you, or intended for or transmitted to any other person or entity, including without limitation any government agency, department, administrative agency, or private entity or person. The term shall include handwritten, typewritten, printed, photocopied,

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photographic, electronically recorded, or graphic matter. It shall also include communications in words, symbols, pictures, audio recordings, films/movies, videotapes, and information stored in, or accessible through, computers or other electronic information storage or retrieval systems, together with the codes and/or programming instructions and other materials necessary to understand and use such systems.

Further, to the extent that the information requested hereinafter exists within a computer, computer retrieval system, computer recorded medium or other electronically recorded method you are requested to reduce the information to paper copy.

E. The term "Person" shall include individuals, associations, partnerships, corporations, and any other type of entity or institution whether formed for business purposes or any other purposes.

F. Unless defined otherwise in an individual Interrogatory or Request for Production "Identify", "Identity", or "Identification" have the following meanings:

1. When used in reference to a person, "identify", "identity", or "identification" means to state his/her full name, present or last known residence address, present or last known business address, and residence and business telephone numbers.
2. When used in reference to a public or private corporation, governmental entity, partnership, association, or any other business entity, "identify", "identity", or "identification" means to state its full name, present or last known business address or operating address, the name of its chief executive officer and telephone number.
3. When used in reference to a document, "identify", "identity", or "identification" shall include a statement of the following:
 - (a) the title, heading, or caption, if any, or such document; and
 - (b) the identifying numbers, letters, or combination thereof, if any, and the

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significance or meaning of such numbers, letters, or combination thereof, if necessary, to an understanding of the document and evaluation of any claim of protection from discovery; and

(c) the date appearing on such document; and if no date appears thereon, the answer shall so state and shall give the date or approximate date on which such document was prepared; and

(d) the number of pages and the general nature of description of such document (i.e., whether it is a letter, memorandum, minutes of a meeting, etc.) with sufficient particularity so as to enable such document to be precisely identified; and

(e) the name and capacity of the person who signed such document; if it was not signed, the answer shall so state and shall give the name of the person or persons who prepared it; and

(f) the name and capacity of the person to whom such document was addressed and the name and capacity of such persons, other than such addressee, to whom such document, or a copy thereof, was sent; and

(g) the physical location of the document and the name of its custodian or custodians.

4. When used in reference to a statement, "identify", "identity", or "identification" means the following:

(a) the identity of the person who made the statement, the person who took or recorded the statement, and all persons present during the making of the statement; and

(b) the date, location, and method by which the statement was taken and/or recorded; and

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(c) the identity of the person or persons who has present or last known possession, custody, or control of the statement.

G. If any document which would be responsive to any interrogatory herein was, but is no longer, in your possession or subject to your control, or is no longer in existence, identify each document, in the manner defined hereinabove, and by additionally stating whether it is missing or lost, it has been destroyed, it has been transferred voluntarily to others, or it has been otherwise disposed of, and in each instance in which it has been destroyed, transferred, or disposed of:

1. Explain the circumstances surrounding such disposition; and
2. Identify the persons(s) directing or authorizing its destruction or transfer; and
3. The date(s) of such direction or authorization; and
4. Whether the document (or copies) are still in existence, and if so, identify the custodians(s) and its (or their) present locations(s).

H. "Expert" means any expert who is expected to testify at trial, either in your case in chief or rebuttal, by deposition or live testimony, and any expert who has been informally consulted, retained, or specially employed in anticipation of litigation or preparation for trial, but who will not be called to testify, whose opinions or impressions, including any documents, tangible things, test results, factual observations, data, or work product containing such impressions and opinions, have been reviewed by a testifying expert.

I. "Control" means within your possession, custody, or control and includes constructive possession as long as you, your attorneys, agents, or representatives, whether natural persons or business or legal entities, have superior right to compel the production from any third party, whether natural persons or business or legal entities, and including any agency, authority, or representative.

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Respectfully submitted,

LAW OFFICE OF BOBBY GARCIA, P.C.

P.O. Box 5729

McAllen, Texas 78502

Telephone: (956) 668-7400

Facsimile: (956) 668-7500

E-Service email: tgarcia@bobbygarcia.com



BOBBY GARCIA

Texas SBN: 07645210

New York SBN: 5387485

ATTORNEY FOR PLAINTIFFS

CERTIFICATE OF SERVICE

I hereby certify that on the date the Plaintiffs' Original Petition was filed, a true and correct copy of the foregoing Requests for Production were forwarded to Defendant together with Plaintiffs' Original Petition. Please see the return of service of process for dates of service of these Requests for Production on the above-referenced Defendant.



BOBBY GARCIA

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REQUEST FOR PRODUCTION**REQUEST FOR PRODUCTION NO. 1:**

Any insurance agreements, including all primary and excess carrier policies, under which any person or entity carrying on an insurance business may be liable to satisfy part or all of the judgment which may be rendered in this action or to indemnify or reimburse for payments made to satisfy the judgment or defend this action, as well as any documents that show any policy defense being asserted by said carrier.

RESPONSE:**REQUEST FOR PRODUCTION NO. 2:**

A complete certified copy of any and all insurance policies insuring **Josefina Balboa**, for Uninsured Motorist Bodily Injury resulting from motor vehicle collision which was in effect September 22, 2017.

RESPONSE:**REQUEST FOR PRODUCTION NO. 3:**

A complete certified copy of **Josefina Balboa's** insurance policy number 2634046-I12-53B003 or any other policy in effect September 22, 2017.

RESPONSE:**REQUEST FOR PRODUCTION NO. 4:**

All photographs of which Defendant has knowledge, either directly or indirectly, or within the knowledge of Defendant's attorney, of any object relevant to this lawsuit, including, but not limited to, any photographs of the scene of the occurrence made the basis of this lawsuit or of any other fact relevant to any issue in this lawsuit. This request includes **photographs of the vehicles and/or parties** in the incident made the basis of this lawsuit. **This request also refers to any videotapes or motion pictures as well as still photographs.**

RESPONSE:**REQUEST FOR PRODUCTION NO. 5:**

All statements or documents of any kind obtained from the Plaintiffs or other documentary information obtained through any authorizations signed by the Plaintiffs.

RESPONSE:**REQUEST FOR PRODUCTION NO. 6:**

All documents that show the identity of any witness to the occurrence made the basis of this lawsuit or any other person with knowledge of relevant facts concerning the occurrence made the basis of this lawsuit, the events leading up to it, or any damages allegedly sustained by the Plaintiffs.

RESPONSE:

CL-19-4967-E**REQUEST FOR PRODUCTION NO. 7:**

All documents or reports to which Defendant or Defendant's attorneys have access that have been made by any person who may be called upon to offer any expert opinion in this cause.

RESPONSE:**REQUEST FOR PRODUCTION NO. 8:**

All maps, surveys, diagrams or other documents that show the scene of the occurrence made the basis of this lawsuit other than those prepared by Defendant's attorneys.

RESPONSE:**REQUEST FOR PRODUCTION NO. 9:**

Copies of any and all reports or documents prepared by each and every expert with whom Defendant has consulted who will not testify in this cause but whose work product or opinions form the basis, or part of the basis, of any opinion of any expert whom Defendant will call to testify at the trial of this cause.

RESPONSE:**REQUEST FOR PRODUCTION NO. 10:**

All maps, surveys, diagrams or other documents that show the scene of the occurrence made the basis of this lawsuit other than those prepared by Defendant's attorneys.

RESPONSE:**REQUEST FOR PRODUCTION NO. 11:**

All documents that show the damage to any of the vehicles involved in this cause of action, including, but not limited to, any estimates or bills for repair of the vehicles involved.

RESPONSE:**REQUEST FOR PRODUCTION NO. 12:**

All records, recordings, films, video tapes, or other tangible records of any kind whatsoever concerning any testing related to this lawsuit about which Defendant or Defendant's attorneys are aware, unless they were made by an expert who will not be called as a witness in this lawsuit and whose opinions and impressions will not have been reviewed by an expert who may testify in this case.

RESPONSE:**REQUEST FOR PRODUCTION NO. 13:**

Copies of any written, verbal, or any other kind of statement, of Plaintiffs relevant to the occurrence which forms the basis of this lawsuit.

CL-19-4967-E**RESPONSE:****REQUEST FOR PRODUCTION NO. 14:**

Any statements made by persons not a party to this suit, either written, recorded or verbal or otherwise, in the possession of the Defendant or Defendant's attorneys which are relevant to the subject matter of this lawsuit or pertains or relates in any way to the incident which forms the basis of this lawsuit.

RESPONSE:**REQUEST FOR PRODUCTION NO. 15:**

Any tangible items other than documents which relate to the incident which forms the basis of this lawsuit in the Defendant's possession or subject to the Defendant's control.

RESPONSE:**REQUEST FOR PRODUCTION NO. 16:**

A copy of all documents which were originally prepared by or at the request of the Plaintiffs or any agent of the Plaintiffs in the possession of the Defendant or the Defendant's attorney that support or relate to any contention made by the Defendant's in this matter.

RESPONSE:**REQUEST FOR PRODUCTION NO. 17:**

Any and all regulations, standards, codes or governmental or industry requirements which the Defendant alleges Plaintiffs violated which the Defendant alleges to be applicable in connection with the allegation that Plaintiffs were negligent, which negligence proximately caused, in whole or in part, the damages alleged in this lawsuit.

RESPONSE:**REQUEST FOR PRODUCTION NO. 18:**

Each and every document, photograph, or tangible item of any description upon which the Defendant will rely in support of the Defendant's allegation that Plaintiffs were negligent in any way, which negligence the Defendant alleges proximately caused, in whole or in part, the damages alleged in this lawsuit, or which purports to evidence any such alleged negligence.

RESPONSE:**REQUEST FOR PRODUCTION NO. 19:**

With regard to each witness who may give testimony as an expert witness on behalf of the Defendant, please provide:

- a. True, correct and legible copies of all reports, factual observations, tests, supporting data, calculations, photographs, videotapes, metal impressions, and opinions;

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- b. His/her curriculum vitae (or "C.V.");
- c. All correspondence, documents and/or written information or photographs or videotape provided to each such expert by Defendant, Defendant's attorney or anyone else relating to this matter;
- d. Request is made for all information in categories a-d with respect to each consulting expert whose work has been reviewed in whole or in part by a testifying expert.

RESPONSE:**REQUEST FOR PRODUCTION NO. 20:**

In the event that Defendant's expert witnesses have not to date made a written report, Plaintiffs request that the factual observations, mental impressions, test results, surveys, supporting data and opinions of such experts be reduced to tangible form and produced in accordance with this request.

RESPONSE:**REQUEST FOR PRODUCTION NO. 21:**

Please produce all fee arrangements and agreements between Defendant, **State Farm Mutual Automobile Insurance Company** and all persons identified as expert witnesses on your behalf.

RESPONSE:**REQUEST FOR PRODUCTION NO. 22:**

Please produce all invoices, statements or other documents reflecting all charges to Defendant **State Farm Mutual Automobile Insurance Company** of persons identified as expert witnesses and which identify all payments by Defendant **State Farm Mutual Automobile Insurance Company** to such expert witnesses.

RESPONSE:**REQUEST FOR PRODUCTION NO. 23:**

All documents or reports to which you or your attorney have access that have been made by any person who may be called upon to offer any expert opinion in this cause.

RESPONSE:**REQUEST FOR PRODUCTION NO. 24:**

Produce any exhibits which you may offer into evidence at the time of trial.

RESPONSE:

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CAUSE NO. _____

JOSEFINA BALBOA, INDIVIDUALLY AND	§	IN THE COUNTY COURT
AS NEXT FRIEND OF M.B., M.B., MINORS,	§	
AND RICARDO BALBOA II, INDIVIDUALLY,	§	
<i>Plaintiffs</i>		§
VS.	§	AT LAW NO. _____
	§	
STATE FARM MUTUAL AUTOMOBILE	§	
INSURANCE COMPANY	§	HIDALGO COUNTY, TEXAS
<i>Defendant</i>		

PLAINTIFF JOSEFINA BALBOA'S, INDIVIDUALLY, REQUEST FOR ADMISSIONS TO DEFENDANT, STATE FARM MUTUAL AUTOMOBILE INSURANCE COMPANY

To: Defendant, State Farm Mutual Automobile Insurance Company, c/o Corporation Service Company, 211 E. 7th Street, Suite 620, Austin, Texas 78701.

COMES NOW Josefina Balboa, Plaintiff in the above styled and numbered cause, through her attorney of record and pursuant to Rule 198 of the Texas Rules of Civil Procedure propounds the attached request for admissions to be answered by the Defendant within fifty (50) days of the service of these requests for admissions.

Your attention is called to the following important provisions of Rule 198 of the Texas Rules of Civil Procedure regarding admissions and their answers:

1. You shall answer each admission separately and fully under oath, and your answers will be filed in the papers of this cause.
2. These requests for admissions shall be signed by the party to whom they are directed.
3. To the extent possible, the requests for admissions are to be answered in spaces provided.
4. Your attorney in this case is not to sign or swear to the answers you have made to these requests for admission.

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Respectfully submitted,

LAW OFFICE OF BOBBY GARCIA, P.C.

P.O. Box 5729

McAllen, Texas 78502

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E-Service email: tgarcia@bobbygarcia.com



BOBBY GARCIA

Texas SBN: 07645210

New York SBN: 5387485

ATTORNEY FOR PLAINTIFFS

CERTIFICATE OF SERVICE

I hereby certify that on the date the Plaintiffs' Original Petition was filed, a true and correct copy of the foregoing Request for Admissions were forwarded to Defendant together with Plaintiffs' Original Petition. Please see the return of service of process for dates of service of these Requests for Admissions on the above-referenced Defendant.



BOBBY GARCIA

CL-19-4967-E

REQUESTS FOR ADMISSIONS

REQUEST FOR ADMISSION NO. 1:

Admit that Plaintiffs are entitled to all relief which they seek.

ANSWER:

REQUEST FOR ADMISSION NO. 2:

Admit that Plaintiffs are not negligent.

ANSWER:

REQUEST FOR ADMISSION NO. 3:

Admit that the accident made the basis of this lawsuit did not arise from any acts or omissions of Plaintiffs.

ANSWER:

REQUEST FOR ADMISSION NO. 4:

Admit that Plaintiffs' damages are in excess of \$50,000.00.

ANSWER:

REQUEST FOR ADMISSION NO. 5:

Admit that Defendant was negligent as stated in Plaintiffs' Original Petition.

ANSWER: